

STROOCK

RECEIVED
CENTRAL FAX CENTER

FEB 14 2007

FACSIMILE

DATE February 14, 2007

TO	COMPANY NAME	FAX NO.	PHONE NO.
Mail Stop PETITION	United States Patent and Trademark Office	571-273-8300	

TOTAL NO. OF PAGES 10

FROM	Ian G. DiBernardo, Reg. No. 40,991
SENDER'S FAX NUMBER	212-806-6006
SENDER'S PHONE NO.	212-806-5400
SENDER'S EMAIL	idibernardo@stroock.com
ROOM NO.	3836
ATTORNEY NO.	5867
CLIENT/MATTER NAME	U.S. Patent Application No. 10/616,825
CLIENT/MATTER NO.	000817/0002

MESSAGE TRANSMITTED HERewith PLEASE FIND:

1. CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) (1 PG);
2. PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(B) (2 PGS.);
3. FEE TRANSMITTAL FOR FY 2006 (1 PAGE) (IN DUPLICATE);
4. STATEMENT ESTABLISHING UNINTENTIONAL DELAY (3 PAGES); AND
5. RESPONSE TO RESTRICTION REQUIREMENT (2 PAGES)

CONFIDENTIAL

The information contained in this facsimile is privileged and confidential, and is intended only for the use of the individual named above and others who have been specially authorized to receive such. If the recipient is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, or if any problems occur with this transmission, please notify us by telephone at 212-806-6102.

STROOCK & STROOCK & LAVAN LLP • NEW YORK • LOS ANGELES • MIAMI
180 MAIDEN LANE, NEW YORK, NY 10018-4982 TEL 212.806.5400 FAX 212.806.6006 WWW.STROOCK.COM

FEB 14 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: **Robert C. GRECZANIK et al.** Group Art Unit: 3725
Application No.: **10/616,825** Examiner: **Debra M. WOLFE**
Filed: **July 10, 2003**
For: **COLD-FORGED HITCH RECEIVER AND METHOD OF MAKING
THE SAME**

Date: **February 14, 2007**

**CERTIFICATE OF TRANSMISSION
BY FACSIMILE (37 C.F.R. § 1.8)**

Mail Stop Petition

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

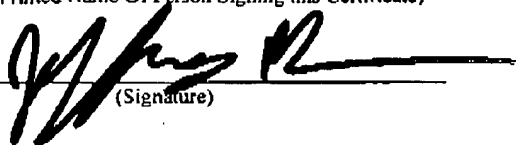
I hereby certify that the following correspondence:

Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) (2 pages); Fee Transmittal For FY 2006 (1 page) (in duplicate); Statement Establishing Unintentional Delay (3 pages); and Response to Restriction Requirement (2 pages)

is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. § 1.8 on the following date: **February 14, 2007**

Jeffrey Mann

(Typed Or Printed Name Of Person Signing this Certificate)


(Signature)

SSL-DOCS1 1777900v1

RECEIVED
CENTRAL FAX CENTER

005/010

FEB 14 2007

PTO/SB/17 (07-06)

Approved for use through 01/31/2007, OMB 0851-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/09/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2006☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 1,500.00**Complete if Known**

Application Number	10/616,825
Filing Date	July 10, 2003
First Named Inventor	Robert C. GRECZANIK
Examiner Name	Debra M. WOLFE
Art Unit	3725
Attorney Docket No.	

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: **19-4709** Deposit Account Name: **Stroock & Stroock & Lavan LLP**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	30	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims		
- 20 or HP = _____ x _____ = 0.00		
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims		
- 3 or HP = _____ x _____ = 0.00		
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

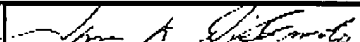
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	_____ / 50 = _____	(round up to a whole number) x _____		

4. OTHER FEE(S)

Non-English Specification. \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): **Petition for Revival of Appln Abandoned Unintentionally****Fees Paid (\$)****1,500.00****SUBMITTED BY**

Signature: 	Registration No. 40,991 (Attorney/Agent)	Telephone (212) 806-5400
Name (Print/Type) Ian G. DiBernardo	Date February 14, 2007	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SSL-DOCS1 1777900v1

FEB 14 2007

PTO/SB/64 (10-05)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional)
First named inventor: Robert C. Greczanik		
Application No.: 10/616,825	Art Unit: 3725	
Filed: July 10, 2003	Examiner: Wolfe, Debra M.	
Title: COLD-FORGED HITCH RECEIVER AND METHOD OF MAKING THE SAME		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (571) 273-8300		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION		
NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional.		
1. Petition fee <input type="checkbox"/> Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. <input checked="" type="checkbox"/> Other than small entity - fee \$ 1,500 (37 CFR 1.17(m))		
2. Reply and/or fee A. The reply and/or fee to the above-noted Office action in the form of Response to Restriction Requirement (identify type of reply): <input type="checkbox"/> has been filed previously on _____ <input checked="" type="checkbox"/> is enclosed herewith. B. The issue fee and publication fee (if applicable) of \$ _____ <input type="checkbox"/> has been paid previously on _____ <input type="checkbox"/> is enclosed herewith.		

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SSL-DOCS1 1777865v1

PAGE 3/10 * RCVD AT 2/14/2007 5:43:02 PM [Eastern Standard Time] * SVR:USPTO-EFXXRF-6/41 * DNIS:2738300 * CSID: * DURATION (mm-ss):01-42

02/16/2007 EFLORES 00000034 194709 10616825

01 FC:1453

1500.00 DA

RECEIVED
CENTRAL FAX CENTER

004/010

FEB 14 2007

PTO/SB/84 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031
 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

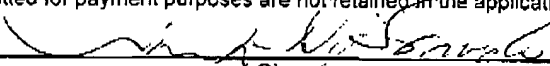
☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


 Signature

February 14, 2007
 Date

Ian G. DiBernardo
 Typed or printed name

40,991
 Registration Number, if applicable

Stroock & Stroock & Lavan
 Address

212-806-5400
 Telephone Number

180 Maiden Lane, NY, NY 10038
 Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

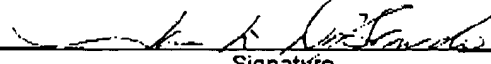
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

February 14, 2007
 Date


 Signature
 Ian G. DiBernardo
 Typed or printed name of person signing certificate

**RECEIVED
CENTRAL FAX CENTER
FEB 14 2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Robert C. GRECZANIK et al.** Art Unit: **3725**
Application No.: **10/616,825** Examiner: **Debra M. WOLFE**
Filed: **July 10, 2003**
For: **COLD-FORGED HITCH RECEIVER AND METHOD OF MAKING
THE SAME**

Date: **February 14, 2007**

STATEMENT ESTABLISHING UNINTENTIONAL DELAY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This statement is being submitted in support of Applicants' Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 C.F.R. 1.137(b).

The present application was transferred from Metaldyne Company LLC ("Metaldyne") to Forming Technologies Inc. (which has since changed its name to FormTech Industries LLC ("FormTech")) on March 10, 2006 as part of a broader asset purchase pursuant to an Asset Purchase Agreement between Metaldyne and FormTech dated January 7, 2006 ("Purchase Agreement").

Following execution of the Purchase Agreement, on January 25, 2006 an initial Office Action, which contained a Restriction Requirement, was issued in the present application and sent to the offices of McDonald Hopkins Co. LPA, counsel for Metaldyne. Inconsistent with Metaldyne's obligations under the Purchase Agreement to supply FormTech with all materials

SSL-DOCS1 1777651v1

Application Serial No. 10/616,825
Statement Establishing Unintentional Delay
Filed February 14, 2007

relating to assets, which included the present application, Metaldyne and their counsel never informed FormTech of the Office Action and let the application go abandoned for failure to respond to the Office Action.

FormTech became aware of this abandonment on December 14, 2006 in connection with a financing transaction that they were involved in. Upon receiving notification of the abandonment, FormTech contacted both Metaldyne and its counsel for an explanation for the abandonment. FormTech was told that Metaldyne's counsel was unaware of the transfer of the application and thus the need to notify the then assignee FormTech.

FormTech received an executed assignment from Metaldyne on February 5, 2007 and has now duly recorded it at the Patent and Trademark Office. A change of correspondence address and new power of attorney were filed, as well.

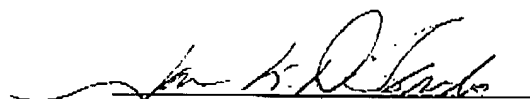
Because FormTech, who was the owner of the patent application since the time of abandonment, was unaware of the Office Action and resulting abandonment of the application, the failure to file a response to the Office Action should be deemed to be unintentional pursuant to 37 CFR 1.137(b). It should also be noted that because Metaldyne was not the owner of the patent application, its counsel's failure to reply to the Office Action should have no bearing on this petition.

Applicants respectfully submit that, for the reasons set forth above, the entire delay in filing the required Response from the due date until the filing of the enclosed grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Accordingly, Applicants hereby petition for revival of this application.

Application Serial No. 10/616,825
Statement Establishing Unintentional Delay
Filed February 14, 2007

No additional fee, other than the Petition Fee submitted herewith, is deemed necessary in connection with the filing of this Statement. However, if any fee is due the amount of such fee may be charged to Deposit Account No. 19-4709.

Respectfully submitted,



Ian G. DiBernardo
Reg. No. 40,991
Attorney for Applicants
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, New York 10038
(212) 806-5400